



CITY OF DURHAM | NORTH CAROLINA

**Date:** March 24, 2011

**To:** Thomas J. Bonfield, City Manager

**Through:** Theodore L. Voorhees, Deputy City Manager  
Ed Venable, Manager of Engineering and Stormwater Services

**From:** Robert N. Joyner, Development Review Group Manager

**Subject:** Agenda Item – License Agreement with BP Phase 2, LLC for decorative lights within the ROW

### **Executive Summary**

BP Phase 2, LLC proposes to install and maintain decorative lights at Honeycutt Drive and Watkins Road.

### **Recommendation**

The Department of Public Works recommends that the City Council authorize the City Manager to enter into a license agreement with BP Phase 2, LLC.

### **Background**

BP Phase 2, LLC proposes to install decorative lights at Honeycutt Drive and Watkins Road. A license agreement is required when privately owned and/or maintained features are proposed to be installed in the public right-of-way.

### **Issues/Analysis**

Any feature in the right-of-way has the potential to pose a hazard to the public, and to increase liability to the licensee. To the maximum extent allowed by law, Licensee shall indemnify and save harmless Indemnitees from and against all Charges that arise in any manner from, in connection with, or out of this license.

### **Alternatives**

City Council can choose not to approve the request.

### **Financial Impact**

The Licensee will assume the cost of installation, maintenance, and repair, including the cost of repairs to the street, pavement and sidewalk associated with the installation, maintenance, and repair of the decorative lights.

### **SDBE Summary**

The SDBE Summary is not applicable for this item.